



Approved For Release 2004/10/27 : CIA-RDP78M02660R000800020048-7  
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
WASHINGTON, D. C. 20301

12 July 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

Dear Mr. Lynn:

Reference is made to your request for the views of the Department of Defense on a CIA draft bill, "To amend the National Security Act of 1947, as amended, and for other purposes."

The proposed legislation amends section 102 of the National Security Act of 1947 by creating, in lieu of the one Deputy Director of Central Intelligence currently provided for in that section, two Deputy Directors: a Deputy Director of Central Intelligence for the Central Intelligence Agency (Deputy Director, Agency) and a Deputy Director of Central Intelligence for the Intelligence Community (Deputy Director, Community). Provision is made for the delegation of authority to the Deputy Directors by the Director.

The draft bill provides that the Director and Deputy Directors shall be appointed by the President with the advice and consent of the Senate. It provides further that the positions of Director of Central Intelligence and Deputy Director, Agency shall not be occupied simultaneously by a commissioned officer of the armed services, whether in an active or retired status.

In the draft bill's present form, there is a possibility that the three top CIA positions could be occupied by civilian appointees. Such a development would effectively exclude the unique viewpoint that a senior military official could bring to the top echelon of the Intelligence community. At the same time, it would vitiate the checks and balances presently embodied in the mixed military/civilian leadership of the CIA. Accordingly, it is recommended that at the end of proposed section 102(a) the period be replaced by a colon and the following proviso be added:

"Provided further, that at least one of the three positions (Director; Deputy Director, Agency; Deputy Director, Community) will be occupied by a commissioned officer of the armed services in an active status."

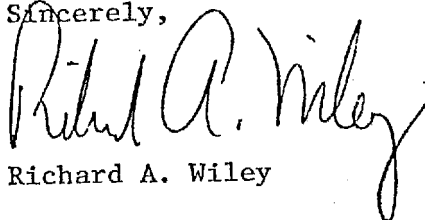
The following changes in the draft bill are also suggested:

1. In order to clarify the Director's responsibilities and to show consistency with section 3(d)(1)(ii) of E.O. 11905, the following revision of the first sentence of the draft bill is recommended:

"There is established under the National Security Council a Director of Central Intelligence and a Central Intelligence Agency. The Director of Central Intelligence shall be the executive head of the Central Intelligence Agency and Intelligence Community staff."

2. In the third sentence, add the word "respectively" following "...delegate...".
3. To provide additional flexibility to the Director, add in the fourth sentence "the Intelligence Community staff or" before the words "...the Central Intelligence Agency...".
4. Section 2(c) of the draft bill should amend section 5314(35) of title 5, United States Code, in lieu of 5314(36).

Sincerely,



Richard A. Wiley